



COMMISSION NEWS

Administrative Law Judge Issues HRC's First Decision Involving Transgender Discrimination

On December 15, 2021, Chief Administrative Law Judge Gregory Evers issued a final decision in the case of Robb Livingood vs. Public Defender Corporation Fifth Circuit. The decision found that the Respondent discriminated against Complainant when it failed to hire Livingood because of Complainant's gender identity, as transgender, and non-conforming, non-stereotypical appearance as male while being biologically female. Importantly, Judge Evers held that discrimination "because of sex" under the West Virginia Human Rights Act includes discrimination because of gender identity/expression. The ALJ reached that conclusion by adopting and applying, for the first time in a WVHRC case, the United States Supreme Court's 2020 precedent known as *Bostock*. The ALJ's decision also cites a 2020 ruling by a federal judge in West Virginia who concluded that discrimination "because of sex" under the West Virginia Human Rights Act includes discrimination because of gender identity and/or sexual orientation, pursuant to the *Bostock* precedent.

In January of 2018, Livingood applied for an attorney job with the Respondent where the only posted qualification was a license to practice law in West Virginia, which Livingood had. Livingood also had more than six years of experience, including courtroom experience doing similar work. After seeing the Complainant for the first time at an interview, the Respondent did not contact Livingood's listed references, but instead embarked on an investigation into the Complainant's gender identity. The only other applicant was a cisgender male who had recently obtained his law license and had no experience practicing law; the Respondent offered him the job instead of Livingood. When the cisgender male declined, Respondent reposted the job and continued to seek applicants instead of hiring Livingood. Livingood was awarded \$89,418.53 in lost wages and interest, \$5,000.00 in incidental damages, and \$24,997.82 in attorney's fees and litigation costs.

What You Can Find Inside

Judge Issues Decision,	
Commissioners Support	
CROWN Act, Historic Moments..	1
WV Human Rights Hero; HUD	
Grant.....	2
Staff Appreciation, New Staff,	
Warm Winter Soup Recipe,	
Accomplishments	3
Puzzle, Citations.....	4

Commissioners Support CROWN Act

At the December 16, 2021 meeting, the HRC's Commissioners voted in favor of a Resolution urging the Legislature and Governor to pass the CROWN Act to clarify the definition of race discrimination under the West Virginia Human Rights Act. Charkera Ervin spoke on behalf of the West Virginia CROWN Coalition to the Commissioners, urging them to adopt the resolution. CROWN stands for "Create a Respectful and Open World for Natural Hair." The proposed amendment to the Act seeks to clarify that discrimination based on race includes discrimination based on hair textures and protective hairstyles traditionally associated with a particular race.

Historic Moments

First African American WV State Senator

On October 7, 2021, Governor Jim Justice named Owens Brown to the State Senate seat formerly held by Senator Bill Ihlenfeld, in the 1st District. The district includes all of Brooke, Hancock, and Ohio counties, as well as parts of Marshall County. Senator Brown, who has also served WV as the President of the WV NAACP since 2015, is the first African American man to ever serve in the West Virginia State Senate. Governor Justice stated, "I congratulate Owens beyond belief. He will do an incredible job... I am so proud of this because we need diversity." Senator Brown, who assumed the office on September 29, 2021, is affiliated with the Democratic Party and resides in Wheeling, WV. Senator Brown holds an Associate's Degree in Electro/Mechanical Engineering from Belmont Technical College, a Bachelor's Degree in Psychology from West Liberty University, and a Master's Degree in Agency Counseling from West Virginia University. He will hold the seat until the next election in 2022. Please join us in congratulating Senator Brown on his historic achievement and wishing him the best of luck in his new role!

West Virginia's Human Rights Hero Retires



On October 8, 2021, the HRC celebrated the well-deserved retirement of Director of Operations Yodora Booth. “Doe” came to the Commission as an intern from Garnet Career Center in 1980 for on-the-job training to complete her studies in accounting and a new technology, word processing. She worked part-time for the HRC in several roles until she was hired into a full-time position in 1988 and quickly worked her way into a job as an employment and public accommodation Investigator. In 1993 Ms. Booth switched over to the housing investigation unit and coordinated the HRC’s annual Fair Housing Conference and other outreach events.

Ms. Booth was promoted into her final job, Director of Operations, in 2006 and given primary responsibility for supervising all Investigators, coordinating with the Equal Employment Opportunity Commission and US Department of Housing and Urban Development, processing and assigning cases, and helping with outreach and education. Importantly, Doe frequently represented West Virginia and the HRC at numerous trainings and conferences that took her literally from coast to coast, from Orlando to Seattle, San Diego to Cape May, and many places in between. Human Rights professionals from all over the country know and admire Doe Booth.

“If there is a more committed and dedicated civil right worker and professional than Yodora Booth I do not know him or her. Doe’s work ethic and commitment to do the work the right way speaks volumes of her constant desire to insure equal justice and fair treatment for everyone. I have known Doe well over twenty years and she has always been the consummate professional and, just as important, a wonderful person. Our friendship is one I treasure. The world of human and civil rights enforcement will miss her, and her space can only be filled by someone who is equally committed. All the best, my friend, in the next chapter of your journey.”

- Jim Stowe, Director of Montgomery County MD Office of Human Rights
& Former President of the International Association of Official Human Rights Agencies.

In February 2015, Yodora was an Honoree at the Governor’s Civil Rights Day in recognition of her career of service to the cause of human rights. Ms. Booth’s decades of professional leadership enabled the HRC to evolve, survive, and administer justice throughout her career and into the future after her retirement. She was more than a mentor and friend to scores of current and past employees of the HRC. We love and miss you, Doe! Congratulations!

HUD GRANT The West Virginia Human Rights Commission (HRC) is proud to partner with the United States Department of Housing and Urban Development (HUD) on the Fair Housing Assistant Program (FHAP) 2021 Partnership and Special Enforcement Effort Funds grant program! HUD provides the Partnership Funds to FHAPs (such as HRC) to carry out education and outreach. This year’s focus areas include discrimination because of sex, specifically sexual orientation and gender identity; discrimination because of race and racial bias that restrict housing, neighborhood choice, and integrated communities; fair housing issues related to the COVID-19 pandemic; and fair housing issues resulting from or in connection with the lifting of eviction moratoria. FHAPs are encouraged to partner with grassroots, faith-based or other community-based organizations in accomplishing the goals of this Partnership funding.

HRC applied and was approved for this grant in August 2021. Our Partnership Fund program will run from September 1, 2021, to July 31, 2022, with a plan to include public service announcements in radio, print, digital and traditional billboards, as well as holding seminars to educate the public on their rights. Our team has put in hard work researching, preparing the grant proposal, and beginning these campaigns in our communities, and HRC looks forward to continuing this work in 2022.



APPRECIATION On December 10, 2021, the HRC Celebration Committee held a Holiday Staff Appreciation Celebration. Director Tia Welch recognized all staff with a prize raffle, and those who have been a part of our team for 5 or more years with a certificate honoring their tenure. Thank you to everyone who contributed and participated in making this celebration a success, and to Director Welch for the heartfelt appreciation of the dedication of HRC staff to bettering the lives of West Virginians and fighting discrimination.



Warm Winter Soup Recipe—(Lighter) Tuscan Soup

Now that the cold weather is officially upon us, I thought I'd share a favorite soup recipe of mine! It is a lighter version of a hot sausage and potato "Tuscan soup". Feel free to make it your own! I know I did! *Recipe by S. Young.*

Ingredients

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| 1 lb chicken | 1 cup plain, unsweetened almond milk |
| 5 cloves of garlic, minced | Crushed red pepper flakes to taste |
| 1 medium onion (I prefer sweet) | Fennel to taste (for the Italian sausage effect) |
| 5 cans chicken broth or stock | Salt and pepper to taste |
| 2-3 cups cauliflower (or potatoes), chopped 1/4" | Parmesan or other cheese to top |
| 2-3 cups kale and/or spinach, chopped | Pinch of flour (or powdered potatoes) for thickening |

Instructions

1. Cook chicken in preferred method (I like to pan fry with olive oil in the soup pot), adding fennel and red pepper flakes for flavor. Drain if needed, shred, and set aside.
2. Cook onion 5 minutes in a dash of olive oil, then add garlic and cook both 5 more minutes
3. Sprinkle flour (or powdered/instant mashed potatoes) over onion and garlic, stir to combine, then add chicken stock, stirring as you pour. Add cauliflower or potatoes and bring to a boil.
4. Boil 10 minutes, or until cauliflower or potatoes are tender. Add your chicken, almond milk, and leafy vegetables. Stir and cook 5-10 minutes, until leafy greens are wilted.
5. Season to your preferences with salt and pepper. Top with grated or shredded cheese, and enjoy!

Makes about eight servings. If made with cauliflower, the soup freezes well! Unfortunately, potatoes don't freeze so well.

ACCOMPLISHMENTS

Here, we recognize notable accomplishments the HRC has made in the previous quarter.

- ◆ Our housing team and several senior staff have accomplished a number of HUD Trainings that focus on eliminating discrimination, improving access and removing barriers, fair housing, racial equity, and handling investigations.
- ◆ Cameron McKinney, James Spenia and Executive Director Tia Welch attended the International Association of Human Rights Agencies (IAOHRA) Virtual Conference, Dec. 7-8, 2021, "Leading with Infinite Hope...Charting a New Human Rights Agenda."

NEW ADDITION TO OUR TEAM

Please join us in welcoming our newest member: Accountant/Auditor II, Donnie Staats. Mr. Staats was born and raised in the Mountain State, graduating from Poca High School. Mr. Staats holds two Associate of Applied Science Degrees from Bridge Valley Community and Technical College, in Finance and Accounting, as well as a Bachelor of Science in Business Administration focused in Accounting from West Virginia State University. He was the recipient of a national cost accounting competition through the group Phi Beta Lambda, as well as being honored by the National Honor Society at WVSU. Mr. Staats resides in South Charleston with his wife and stepson, Brandi and Jaxon, and hopes to be a member of the team here at the West Virginia Human Rights Commission for years to come. Welcome, Mr. Staats!

Civil Rights

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Find the following words in the puzzle.

Words are hidden ↑ ↓ → ← and ↘ .

BIAS
 BIGOTRY
 BOYCOTT
 DEFIANCE
 DIGNITY
 EMANCIPATION
 INEQUALITY

JUSTICE
 LIBERTY
 MARCH
 OPPRESSION
 PROFILING
 PROPAGANDA
 PROTECT

PROTEST
 RIGHTS
 SPEECH
 SUNDOWN
 TOLERANCE
 VIOLATE

Created by Sarah Young using Word Search Generator on
 Super Teacher Worksheets (www.superteacherworksheets.com)

*Many thanks to the staff of our Quarterly Newsletter Committee
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